

# **EXHIBIT 3**

Cause No. D-1-GN-20-003469

TOTH ENTERPRISES II, P.A., AND  
WILLIAM FRANKLIN, M.D.

*Plaintiffs,*

vs.

CLAY ELLIS, et al.,

*Defendants*

§ IN THE DISTRICT COURT OF  
§  
§  
§  
§ TRAVIS COUNTY, TEXAS  
§  
§  
§ 201<sup>st</sup> JUDICIAL DISTRICT

**NOTICE OF NONSUIT WITHOUT PREJUDICE**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, TOTH ENTERPRISES II, P.A., AND WILLIAM FRANKLIN, M.D., pursuant to Rule 162 of the Texas Rules of Civil Procedure and file this Notice of Non-suit without prejudice to refiling as to all claims asserted in this matter against Defendants.

This Notice is effective upon filing, and no action by the Court is necessary.

Costs of court are to be borne by the party incurring such costs.

Respectfully submitted,

**COLLMER LAW GROUP**

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of this document was served on all counsel of record as required by the Texas Rules of Civil Procedure on this the 14<sup>th</sup> day of September 2022.

/s/Mark W. Collmer  
Mark W. Collmer